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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,149	07/23/2001	Chad W. Mercer	044.0019.	4485

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EXAMINER

POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,149

Applicant(s)

MERCER ET AL.

Examiner

Jeffrey D. Popham

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20020117, 20021216</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

Claims 1-8 and 36 are pending.

Election/Restrictions

1. Claims 9-35 and 37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/26/2005.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 408 and 712. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Carman et al. (U.S. Patent 6,845,449).

Regarding Claim 1,

Carman et al. disclose a method for establishing a secure communication channel for information flow between two or more computers communicating via an interconnected computer network, comprising:

Receiving a security association data structure from one or more computers via the interconnected computer network (Column 17, lines 1-9 and Column 21, lines 9-13);

Storing the received security association data structure in a memory region having a specific memory address associated therewith (Column 17, lines 51-60); and

Assigning the specific memory address to a security parameter index value associated with the received security association data structure (Column 17, lines 51-60).

Regarding Claim 36,

Claim 36 is a computer readable medium claim that is substantially equivalent to method claim 1. Therefore, claim 36 is rejected under a similar rationale.

Regarding Claim 4,

Carman et al. disclose that the received security association data structure is stored in a security association database that includes other security association data structures (Column 17, lines 51-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carman et al. in view of Badamo et al. (U.S. Patent Application Publication 2002/0184487).

Regarding Claim 2,

Carman et al. do not disclose transmitting the SPI value.

Badamo et al., however, disclose transmitting the security parameter index value to the one or more computers from which the security association data structure was received (Page 1, Paragraphs 21 and 22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the SPI exchanging technique of Badamo et al. in order to allow the recipient of the SPI value access to the SA database for retrieval of all information related to that SA.

Regarding Claim 6,

Claim 6 is a method claim that is substantially equivalent to method claim 2. Therefore, claim 6 is rejected under a similar rationale.

Regarding Claim 8,

Carman et al. disclose that the received security association data structure is stored in a security association database that includes other security association data structures (Column 17, lines 51-60).

5. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carman et al. in view of Badamo et al. and RFC791.

Regarding Claim 3,

Carman et al. do not disclose that the specific memory address and the security parameter index value are both 32 bit values.

Badamo et al., however, disclose that the security parameter index value is a 32 bit value (Page 1, Paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the SPI exchanging technique of Badamo et al. in order to allow the recipient of the SPI value access to the SA database for retrieval of all information related to that SA.

Badamo et al. do not disclose that the specific memory address is a 32 bit value.

RFC791, however, discloses that a specific memory address is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the addressing system of RFC791 in order to accommodate for the use of the Internet Protocol (RFC791, Page 7).

Regarding Claim 7,

Carman et al. do not disclose that the specific memory address and the security parameter index value are both 32 bit values.

Badamo et al., however, disclose that the security parameter index value is a 32 bit value (Page 1, Paragraph 21). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the SPI

exchanging technique of Badamo et al. in order to allow the recipient of the SPI value access to the SA database for retrieval of all information related to that SA.

Badamo et al. do not disclose that the specific memory address is a 32 bit value.

RFC791, however, discloses that a specific memory address is a 32 bit value (Page 7, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the addressing system of RFC791 in order to accommodate for the use of the Internet Protocol (RFC791, Page 7).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman et al. in view of Nessett et al. (U.S. Patent 6,055,236).

Carman et al. do not disclose that the security association data structure comprises a network destination address and a security protocol identifier.

Nessett et al., however, disclose that a received security association data structure comprises a network destination address value and a security protocol identifier (Column 22, lines 42-62). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the security negotiation system of Carman et al. with the SA makeup of Nessett et al. in order to uniquely identify an SA for each data packet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER